

**IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE**  
**02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-0802**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 25-207, 25-212, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**WEDNESDAY - OCTOBER 15, 2008 - 7:30 pm to 8:00 pm**

**IDAHO DEPARTMENT OF AGRICULTURE**  
**2270 Old Penitentiary Road**  
**Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho's equine industry has expressed a desire for ISDA to place Equine Viral Arteritis (EVA), a viral disease of equids (horses, mules, asses) on the State Veterinarian's Reportable Disease List in order to have clear authority to prevent and control the disease. EVA causes abortions in mares and creates a carrier state in stallions. Additionally, the USDA's EVA Uniform Methods and Rules are incorporated by reference to outline biosecurity procedures for the disease. Other incorporated reference documents are updated to the latest versions. A typographical error is corrected in Section 211 and Subsection 240.05. A method of genetic purity verification is added to the options for imported domestic cervidae. Additional documents for certification of the health of imported fish are added to the fish importation requirements. A terminology correction is made in Section 800 pertaining to the USDA biologics licensing program.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: NA

**NEGOTIATED RULEMAKING:** Pursuant to Sections 67-5220, Idaho Code, informal negotiated rulemaking was conducted.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dr. Bill Barton, Administrator at (208) 332-8540. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 18th day of August, 2008.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 20-0421-0801**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be obtained from the Idaho State Department of Agriculture Central Office. IDAPA 02.04.21 incorporates by reference: (4-11-06)

- 01. The October 1, 2003 Edition of the Brucellosis Eradication Uniform Methods and Rules.** (4-11-06)
- 02. The September 30, 2003 Edition of the Brucellosis in Cervidae: Uniform Methods and Rules.** (4-11-06)
- 03. The April 1998 Edition of the Swine Brucellosis Control/Eradication: State-Federal-Industry Uniform Methods and Rules.** (5-3-03)
- 04. The Code of Federal Regulations Title 9, Parts 71, 75, 77, 78, 85, 145, 146, 147, and 161, January 1, 2006~~8~~.** (~~3-30-07~~)(      )
- 05. The January 1, 2005 Edition of the Bovine Tuberculosis Eradication Uniform Methods and Rules.** (4-11-06)
- 06. The November 1, 2003 Edition of the Pseudorabies Eradication, State-Federal-Industry Program Standards.** (4-11-06)
- 07. The April 19, 2004 Edition of the Equine Viral Arteritis Uniform Methods and Rules.** (      )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

- 01. Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (5-3-03)
- 02. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)
- 03. Animals.** All vertebrates, except humans. (5-3-03)
- 04. Approved Brucella Vaccine.** A vaccine product that is approved by and produced under license of the United States Department of Agriculture for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to brucellosis. (5-3-03)
- 05. Approved Feedlot.** A feedlot approved by the Administrator to feed female cattle and domestic bison which have not been officially vaccinated against brucellosis or other bovidae not in compliance with Idaho's rules. (5-3-03)
- 06. Approved Slaughter Establishment.** A USDA inspected slaughter establishment at which ante-mortem and post-mortem inspection is conducted by USDA inspectors. (5-3-03)
- 07. Brucellosis.** An infectious disease of animals and humans caused by bacteria of the genus Brucella. (5-3-03)

- 08. Brucellosis Surveillance Area or High Risk Areas.** Any area of a state that has been identified by USDA/APHIS/VS or state animal health officials as an area that poses a greater risk for transmission of brucellosis than would be expected based upon the official classification of the state. (5-3-03)
- 09. Camelids.** Llamas, alpacas, vicunas, camels. (5-3-03)
- 10. Cattle.** All bovidae including domestic bison. (5-3-03)
- 11. Certificate.** An official certificate of veterinary inspection or other approved certificate issued by an accredited veterinarian, state or federal animal health official or other approved official at the point of origin of the shipment of animal(s) being imported. (5-3-03)
- 12. Department.** The Idaho State Department of Agriculture. (5-3-03)
- 13. Director.** The director of the Idaho State Department of Agriculture or his designee. (5-3-03)
- 14. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)
- 15. Domesticated.** Propagated and maintained under the control of a person. (5-3-03)
- 16. Domestic Bison.** All animals in the family Bison that are owned by a person. (5-3-03)
- 17. Domestic Cervidae.** Elk, fallow deer and reindeer that are owned by a person. (5-3-03)
- 18. Equidae.** Horses, ponies, asses, mules, zebras. ( )
- 189. Exposed.** Animals that have had direct contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (5-3-03)
- 190. Federal Animal Health Official.** An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. (5-3-03)
- 201. Feeder Animals.** Animals to be fed for slaughter only. (5-3-03)
- 212. Game Birds.** Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse and guineas. (5-3-03)
- 223. Hatching Eggs.** Fertilized eggs. (5-3-03)
- 234. Livestock.** Shall mean cattle, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (5-3-03)
- 245. Negative.** Animals are classified as negative when they have been subjected to official tests for a disease, and the tests performed have failed to disclose evidence of the disease. (5-3-03)
- 256. Official Identification.** The unique individual identification of cattle, domestic bison, swine, or domestic cervidae in accordance with the rules governing each species. (5-3-03)
- 267. Official Vaccinate.** Cattle or domestic bison female that was inoculated, in accordance with IDAPA 02.04.20 "Rules Governing Brucellosis" or the Brucellosis Eradication UM&R, with an approved Brucella vaccine. (5-3-03)
- 278. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (5-3-03)

**289. Poultry.** The term shall mean chickens, turkeys, ducks, geese, guinea fowl, pigeons, pheasants, domestic fowl, waterfowl and gamebirds. (5-3-03)

**2930. Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premise or any other location, where found, and prevent movement of animals from a premise or any other location when the administrator has determined that the animals are infected with or exposed to a disease, or are not in compliance with the provisions of this chapter. (5-3-03)

**301. Ratites.** Ostrich, emu, rhea and cassowaries. (5-3-03)

**342. Slaughter Animals.** Animals of any kind for immediate slaughter, or those consigned for slaughter within fourteen (14) days of date of shipment. (5-3-03)

**323. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (5-3-03)

**334. VHSV Positive Area.** Any area or region that has been identified by USDA as affected by VHSV. (4-2-08)

**344. Waterfowl.** Domestic fowl that normally swim, such as ducks and geese. (5-3-03)

**356. Wildlife.** Any animal generally living in a state of nature except, domestic bison, domestic cervidae, domestic fur bearing animals, and fish. (4-2-08)

**011. ABBREVIATIONS.**

**01. APHIS.** Animal and Plant Health Inspection Service. (4-2-08)

**02. AVIC.** Area Veterinarian in Charge. (5-3-03)

**03. AZA.** American Zoological Association. (5-3-03)

**04. CF.** Complement Fixation Test. (3-30-07)

**05. CFR.** Code of Federal Regulations. (5-3-03)

**06. CWD.** Chronic Wasting Disease. (5-3-03)

**07. EIA.** Equine Infectious Anemia. (5-3-03)

**08. EVA.** Equine Viral Arteritis. ( )

**089. NAEBA.** North American Elk Breeders Association. (5-3-03)

**0910. NPIP.** National Poultry Improvement Plan. (5-3-03)

**101. PCR.** Polymerase Chain Reaction. (4-2-08)

**142. TB.** Tuberculosis. (5-3-03)

**123. UM&R.** Uniform Methods and Rules. (5-3-03)

**134. USDA.** United States Department of Agriculture. (5-3-03)

**145. VHSV.** Viral Hemorrhagic Septicemia Virus. (4-2-08)

~~156.~~ VS. Veterinary Services.

(5-3-03)

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. REQUIREMENTS OF TITLE 9, PARTS 71, 75, 77, 78, 85, 145, 146, 147, AND 161, CFR.**

In addition to meeting the requirements of this chapter for entry, animals imported into Idaho shall meet all applicable requirements set forth in the Title 9, Parts 71, 75, 77, 78, 85, 145, 146, 147, and 161, CFR, January 1, 2006.

~~(3-30-07)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**301. EQUINE VIRAL ARTERITIS.**

Intact male equidae twelve (12) months of age and older may enter Idaho when accompanied by an official interstate certificate of veterinary inspection or extended validity equine certificate from the state of origin, and one (1) of the following statements on the certificate: ( )

**01. Vaccinated for EVA.** A copy of the animal's official EVA Test and Vaccination Certificate from a USDA approved lab, signed by an accredited veterinarian, is attached to the official interstate certificate of veterinary inspection. ( )

**02. Seropositive Carrier of EVA.** The EVA test date is listed on the interstate certificate of veterinary inspection. ( )

**03. Seropositive Non-Shedder of EVA.** A copy of the stallion's negative semen EVA virus isolation test result conducted in a USDA approved lab is attached to the official interstate certificate of veterinary inspection. ( )

**04. Unknown EVA Status.** Each stallion listed on the health certificate must have the EVA status statement recorded adjacent to the stallion's name or official identification. ( )

**302. IMPORTATION OF EQUINE SEMEN.**

Equine semen may be imported into Idaho if one (1) of the following statements from the stallion's owner, agent, or veterinarian concerning the EVA status of the donor is included with the shipment: ( )

**01. Stallion is Vaccinated for EVA.** A copy of the stallion's official EVA Test and Vaccination Certificate from a USDA approved lab, signed by an accredited veterinarian, is included with the statement of EVA status for each semen shipment. ( )

**02. Stallion is EVA Carrier.** The EVA test date is listed on the statement of EVA status for each semen shipment. ( )

**03. Stallion is Seropositive Non-Shedder of EVA.** A copy of the stallion's negative semen EVA virus isolation test result conducted in a USDA approved lab is included with the statement of EVA status for each semen shipment. ( )

**04. Stallion EVA Status is Unknown.** Each shipment of equine semen must include a statement of EVA status of the donor stallion. ( )

~~3043.~~ -- 399. (RESERVED).

**(BREAK IN CONTINUITY OF SECTIONS)**

**601. TESTING REQUIREMENTS.**

All cervidae imported into Idaho shall meet the following test requirements, except cervidae that do not originate from a CWD or Tuberculosis endemic area, as determined by the administrator, may be imported directly to an approved slaughter establishment for immediate slaughter without meeting the test requirements. (4-2-08)

**01. Brucellosis.** Animals six (6) months of age and older shall be negative to at least two (2) different official brucellosis tests, one (1) of which shall be the rivanol, or the CF, within thirty (30) days prior to entry, or the animals shall originate directly from a Brucellosis certified free herd or a brucellosis class free state for cervidae. (3-30-07)

**02. Tuberculosis.** Imported domestic cervidae shall be tested according to the provisions in Title 9, Part 77, CFR. (5-3-03)

**03. Red Deer Genetic Factor.** Elk shall have either tested negative for red deer genetic factor by a laboratory approved by the Division of Animal Industries, or shall have been registered with NAEBA or the Canadian Food Inspection Agency, or the Montana Department of Livestock. (4-2-08)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**660. CERTIFICATE AND PERMIT.**

In addition to any permits or certifications required by the Idaho Department of Fish and Game, all live fish and viable hatching eggs imported into Idaho must be accompanied by ~~a certificate of veterinary inspection issued in the state of origin and~~ an import permit issued by the Administrator; and (4-2-08)( )

**01. A Certificate of Veterinary Inspection Issued in the State of Origin;** or ( )

**02. Title 50 Certification;** or ( )

**03. American Fisheries Society Certified Fish Health Inspector's Certification.** ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**800. BIOLOGICS.**

**01. ~~Distribution Permit~~ USDA License.** Serum, vaccines, bacterins and biological remedies of all kinds used as diagnostic agents or used in the treatment of diseases of animals shall not be sold, distributed or used within the state of Idaho or imported into the state for sale, distribution or use unless such serum, vaccines, bacterins and biological remedies have been produced under a ~~permit granted~~ license issued by USDA/AHPIS/VS. (5-3-03)( )

**02. Shipping Virulent Blood or Living Virus.** All manufacturers, dealers and distributors of biological products are hereby prohibited from shipping any virulent blood or living virus or bacteria (*Brucella abortus* vaccine) of any disease affecting animals into the state of Idaho except with the written permission of the Administrator, and no living virus for use in animals or poultry shall be distributed or used within the state of Idaho unless approved by the Administrator in writing. (5-3-03)

**03. Labels.** No permit under Subsections 800.01 and 800.02 of this rule shall be issued unless the product is contained in vessels bearing labels approved by the Division of Animal Industries, properly identifying the product by proper name and description, bearing adequate directions for the use of the product, and bearing no statement, design, or device that may deceive the purchaser, or that is false or misleading in any particular. (5-3-03)